

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

GEORGE MARTOV,

Petitioner

v.

WARDEN, FORT DIX

Respondent

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Civ. No. 19-20904(RMB)

OPINION

BUMB, United States District Judge

On December 2, 2019, Petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, challenging the Bureau of Prison's ("BOP") refusal to place him in a halfway house or on home confinement, and challenging the failure of the Immigration and Customs Enforcement ("ICE") to expedite completion of his removal proceedings. (Pet., ECF No. 1.) When briefing was completed, Respondent informed the Court that Petitioner was released from the BOP's custody on April 20, 2020, and he is now in ICE Custody. (Letter, ECF No. 13.) Respondent asserts the petition is now moot.

A habeas petition "generally becomes moot when [a petitioner] is released from custody" because there is no longer "an actual injury traceable to the defendant and likely to be redressed by a

favorable judicial decision." Vasquez v. Aviles, 639 F. App'x 898, 902 (3d Cir. 2016) (quoting DeFoy v. McCullough, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer in BOP custody. See id. (finding petition moot where there were no collateral consequences that could be addressed by success on the petition). If Petitioner challenges his custody by ICE, he must file a new petition against the proper respondent. Therefore, the petition is dismissed as moot.

An appropriate Order follows.

Date: April 30, 2020

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge